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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,485	04/06/2001	Thomas Brumm	112740-209	5739
29177 7590 06/04/2008 BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER RYMAN, DANIEL J				
ART UNIT		PAPER NUMBER		
2616				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/827,485

Applicant(s)

BRUMM ET AL.

Examiner

DANIEL J. RYMAN

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Response, filed 3/10/2008, with respect to the rejection(s) of claim(s) 28 and 30-38 under Wang et al. (USPN 6,883,023) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wang et al. (USPN 6,883,023) in view of Sjolund et al. (USPN 6,937,596).

2. In addition, because Examiner retains Wang in the rejection, Examiner will address Applicant's arguments with respect to the First Signaling Information Limitation. Applicant asserts that Wang does not disclose a signaling protocol for packet switched telecommunication because the given protocol is directed to a "packet based network application protocol" which does not pertain to telephony. Response: p. 5. Essentially, Applicant asserts that the term "telecommunication" requires a telephony protocol. Examiner respectfully disagrees. The Authoritative Dictionary of IEEE Standards Terms defines "telecommunications" as "any transmission, emission, and reception of signs, signals, writings, images, and sounds, i.e., information of any nature, by cable, radio, optical, or other electromagnetic systems." As such, Examiner maintains that the term "telecommunications" encompasses any networking protocol, not just telephony protocols.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (USPN 6,883,023), of record, in view of Sjolund et al. (USPN 6,937,596).
6. Regarding claim 28, Wang discloses a terminal device coupled to a packet-switched communication network (col. 1, ll. 24-28, where a combination of a computer and a communications device form a compound network apparatus, i.e. a terminal device, and col. 5, ll. 4-15, where the apparatus is connected to a LAN, which is a packet-switched communication network, see also Fig. 2 and col. 10, ll. 46-51) comprising: a data processing device having a first program module, wherein said processing device configures first signaling information according to a first standard signaling protocol for packet-switched telecommunications that is processed under a first protocol stack (col. 4, ll. 31-36, where the apparatus configures communications destined for the router according to a packet based network application protocol, see also Fig. 3C and col. 10, ll. 2-7), and configures second signaling information according to a standard signaling protocol for telephony telecommunications that is processed

under a second protocol stack (col. 4, ll. 13-30, where the apparatus configures communications destined for the gateway according to a soft private branch exchange telephony application layer protocol, i.e. a protocol for telephony telecommunications, see also Fig. 3C and col. 10, ll. 2-7); an interface unit for operatively coupling the terminal device to the packet-switched communication network (col. 5, ll. 4-15, where the apparatus is connected to a LAN, which is a packet-switched communication network, see also Fig. 2 and col. 10, ll. 46-51) wherein the first signaling information is communicated through an interface with the assistance of signaling packets of the packet-switched communication network (col. 4, ll. 31-36, where the apparatus configures communications destined for the router according to a packet based network application protocol, see also Fig. 3C), and the second signaling information is communicated through the interface with the assistance of data packets of the packet-switched communication network (col. 4, ll. 13-30, where the apparatus “transforms the [second signaling information] into transport data formatted according to a transport protocol for a packet switched network, see also Fig. 3C and col. 13, ll. 28-40).

Wang does not expressly disclose that the protocol for telephony telecommunications is a protocol for circuit-switched telecommunications. Sjolund teaches, in a telecommunications system, overlaying a standard circuit-switched protocol on an IP based network protocol (col. 1, ll. 54-59) by having a conversion unit treat the standard circuit-switched protocol as a pure bitstream (col. 5, ll. 34-38). Sjolund does this to ensure that “the existing services supported by the standard [circuit-switched] protocols will be supported in the packet switched network” (col. 1, ll. 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Wang’s telephony telecommunications protocol be a circuit-switched

telecommunication protocol, as outlined in Sjolund. This could be done by having Wang's terminal use the circuit-switched telecommunications protocol at the higher layers of the protocol stack. One of ordinary skill in the art would have been motivated to do this to ensure that existing services supported by the standard circuit-switched protocols will be supported in the packet switched network.

7. Regarding claim 30, Wang in view of Sjolund discloses that signaling information for at least one service feature and/or performance feature is transmitted as second signaling information (Wang: col. 4, ll. 8-11, where the signaling information includes information about conferencing, dialing, receiving an incoming call, forwarding, transferring, and placing a call, i.e. "at least one service feature and/or performance feature", see also Sjolund: col. 1, ll. 65-67).

8. Regarding claim 31, Wang in view of Sjolund discloses that the service feature and/or performance feature includes at least one of call pick up, three way conferencing, large scale conferencing, holding, displaying of toll information, a closed user group, call number identification, automatic call back when busy, automatic call back when no response, call barring, call waiting indication and call transfer (Wang: col. 4, ll. 8-11, where the signaling information includes information about conferencing, dialing, receiving an incoming call, forwarding, transferring, and placing a call).

9. Regarding claim 32, Wang in view of Sjolund discloses that the second signaling information, with the assistance of the packet-switched communication network, is transmitted from the terminal device to a second interface unit between the packet-switched communication network and a circuit-switched communication network (Wang: col. 4, ll. 22-24, where the

apparatus is connected to a gateway server, which “provides access for the user to a public switched telephone network,” see also Fig. 2 and col. 10, ll. 51-56).

10. Regarding claim 33, Wang in view of Sjolund discloses that the data processing device further comprises a second program module that converts the transmitted first and second signaling information into image information to be displayed on a display unit and processes information which is input using an input unit using data exchanged between the first program module and the second program module (Wang: col. 3, ll. 6-14, where the apparatus includes software for displaying information and receiving user inputs, see also col. 5, ll. 33-41).

11. Regarding claim 34, Wang in view of Sjolund discloses that the second program module provides a graphical interface (Wang: col. 5, ll. 33-37, where the apparatus “includes a display providing user interface graphic elements”).

12. Regarding claim 35, Wang in view of Sjolund discloses that a number of possible graphical interfaces are stored in the data processing device, and the user interfaces are optionally switched over by the second program module (Wang: Figs. 12-35, where various graphical interfaces are presented).

13. Regarding claim 36, Wang in view of Sjolund discloses that the terminal device is configured as a computer system with software and hardware (Wang: col. 2, l. 64-col. 3, l. 21, where various software and hardware components are disclosed, see also, col. 43, ll. 37-50).

14. Regarding claim 37, Wang discloses a method for operating a telecommunication system having at least one terminal device operatively coupled to a packet-switched network (col. 1, ll. 24-28, where a combination of a computer and a communications device form a compound network apparatus, i.e. a terminal device, and col. 5, ll. 4-15, where the apparatus is connected to

a LAN, which is a packet-switched communication network, see also Fig. 2 and col. 10, ll. 46-51) comprising the steps of: configuring first signaling information according to a standard signaling protocol for packet-switched telecommunication that is processed under a first protocol stack (col. 4, ll. 31-36, where the apparatus configures communications destined for the router according to a packet based network application protocol, see also Fig. 3C and col. 10, ll. 2-7); processing said first signaling information according to the rules of the packet-switched standard protocol using said first protocol stack (col. 4, ll. 31-36, where the apparatus communicates with the router using packets, see also Fig. 3C and col. 10, ll. 2-7); configuring second signaling information according to a standard signaling protocol for telephony telecommunication that is processed under a second protocol stack (col. 4, ll. 13-30, where the apparatus configures communications destined for the gateway according to a soft private branch exchange telephony application layer protocol, i.e. a protocol for telephony telecommunications, see also Fig. 3C and col. 10, ll. 2-7); processing said second signaling information according to the rules of the telephony standard protocol using said second protocol stack (col. 4, ll. 13-30, where the apparatus processes communications destined for the gateway according to a soft private branch exchange telephony application layer protocol, i.e. a protocol for telephony telecommunications, see also Fig. 3C and col. 10, ll. 2-7); transmitting first bits of signaling information through an interface with the assistance of signaling packets of the packet-switched communication network (col. 4, ll. 31-36, where the apparatus configures communications destined for the router according to a packet based network application protocol, see also Fig. 3C), and the second signaling information is transmitted through the interface with the assistance of data packets of the packet-switched communication network (col. 4, ll. 13-30, where the apparatus “transforms

the [second signaling information] into transport data formatted according to a transport protocol for a packet switched network, see also Fig. 3C and col. 13, ll. 28-40).

Wang does not expressly disclose that the protocol for telephony telecommunications is a protocol for circuit-switched telecommunications. Sjolund teaches, in a telecommunications system, overlaying a standard circuit-switched protocol on an IP based network protocol (col. 1, ll. 54-59) by having a conversion unit treat the standard circuit-switched protocol as a pure bitstream (col. 5, ll. 34-38). Sjolund does this to ensure that “the existing services supported by the standard [circuit-switched] protocols will be supported in the packet switched network” (col. 1, ll. 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Wang’s telephony telecommunications protocol be a circuit-switched telecommunication protocol, as outlined in Sjolund. This could be done by having Wang’s terminal use the circuit-switched telecommunications protocol at the higher layers of the protocol stack. One of ordinary skill in the art would have been motivated to do this to ensure that existing services supported by the standard circuit-switched protocols will be supported in the packet switched network.

15. Regarding claim 38, Wang discloses a terminal device coupled to a packet-switched communication network (col. 1, ll. 24-28, where a combination of a computer and a communications device form a compound network apparatus, i.e. a terminal device, and col. 5, ll. 4-15, where the apparatus is connected to a LAN, which is a packet-switched communication network, see also Fig. 2 and col. 10, ll. 46-51) comprising: a data processing device having a first program module, wherein said processing device configures first signaling information according to a first signaling protocol for packet-switched telecommunications (col. 4, ll. 31-36,

where the apparatus configures communications destined for the router according to a packet based network application protocol, see also Fig. 3C and col. 10, ll. 2-7), and configures a second signaling information according to a signaling protocol for telephony telecommunications (col. 4, ll. 13-30, where the apparatus configures communications destined for the gateway according to a soft private branch exchange telephony application layer protocol, i.e. a protocol for telephony telecommunications, see also Fig. 3C and col. 10, ll. 2-7); an interface unit for operatively coupling the terminal device to the packet-switched communication network (col. 5, ll. 4-15, where the apparatus is connected to a LAN, which is a packet-switched communication network, see also Fig. 2 and col. 10, ll. 46-51), wherein the second signaling information is communicated through the interface unit as part of signaling packets that do not contain any first signaling information (col. 4, ll. 13-30, where the apparatus “transforms the [second signaling information] into transport data formatted according to a transport protocol for a packet switched network, see also Fig. 3C and col. 13, ll. 28-40).

Wang does not expressly disclose that the protocol for telephony telecommunications is a protocol for circuit-switched telecommunications. Sjolund teaches, in a telecommunications system, overlaying a standard circuit-switched protocol on an IP based network protocol (col. 1, ll. 54-59) by having a conversion unit treat the standard circuit-switched protocol as a pure bitstream (col. 5, ll. 34-38). Sjolund does this to ensure that “the existing services supported by the standard [circuit-switched] protocols will be supported in the packet switched network” (col. 1, ll. 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Wang’s telephony telecommunications protocol be a circuit-switched telecommunication protocol, as outlined in Sjolund. This could be done by having Wang’s

terminal use the circuit-switched telecommunications protocol at the higher layers of the protocol stack. One of ordinary skill in the art would have been motivated to do this to ensure that existing services supported by the standard circuit-switched protocols will be supported in the packet switched network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL J. RYMAN whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571)272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel J. Ryman
Primary Examiner
Art Unit 2616

/Daniel J. Ryman/

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